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Washington, D.C. 20231

ATTORNEY DOCKET NO. FIRST NAMED INVENTOR APPLICATION NO. FILING DATE 35.C12836

09/111,731

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SHIRAIWA

WM01/0911 005514 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK NY 10112

**EXAMINER** GOOD JOHNSON, M ART UNIT PAPER NUMBER

2672

DATE MAILED:

09/11/01

Please find below and/or attached an Office communication concerning this application or proceeding.

**Commissioner of Patents and Trademarks** 

Office Action Summary    SHIRAWA ET AL   Examiner	•		Application No.	Applicant(s)	
Columb			09/111,731	SHIRAIWA ET AL.	
The MALING DATE of this communication appears on the cover sheet with the correspondence address—Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ② MONTH(S) FROM THE MALINE DATE OF THIS COMMUNICATION.  Eatherations of tein may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely liked  ## the period for reply specified above is less than thirty (00) days, a reply within the satisfactor price in the period for reply specified above. The maximum studiety period will apply advill replace (16) MONTHS done the maling date of this communication.  ## This period for reply specified above is less than thirty (00) days, a reply within the satisfactor in the maling date of this communication.  ## This action is FINAL.  ## This action is FINAL.  ## Responsive to communication(s) filled on *20 July 2001*.  ## This action is FINAL.  ## Claim(s) ** Is and ** Is action and the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.  ## Disposition of Claims  ## Claim(s) ** Is and *Is is/are pending in the application.  ## This action is FinAL.  ## Claim(s) ** Is and *Is is/are pending in the application.  ## This action is final *Is is/are allowed.  ## Claim(s) ** Is and *Is is/are allowed.  ## This action is accepted to be the third with a supplication and *Is is/are allowed.  ## This action is accepted to be in the application and *Is is/are allowed.  ## This action is accepted to be in accepted or be in accepted to be the Examiner.  ## This action is accepted to a supplication is objected to by the Examiner.  ## This action is accepted to a supplication from			Examiner	Art Unit	
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  **Early MAILING DATE OF THIS COMMUNICATION.**  **Early MONTH STATE OF THIS COMMUNICATION.**  **If the period for reply sepecified above, the maximum statutory pariod vet apply and vet argule SIX (8) MONTH STATE or maining acts of this communication.**  **Proposed for reply sepecified above, the maximum statutory pariod vet apply and vet argule SIX (8) MONTH STATE from the maining acts of the communication.**  **Proposed for reply sepecified above, the maximum statutory pariod vet apply and vet argule SIX (8) MONTH STATE from the maining acts of the communication.**  **Proposed for reply sepecified above, the maximum statutory pariod vet apply and vet argule state.**  **Proposed for reply sepecified above, the maximum statutory pariod vet apply and vet argule state.**  **Proposed for reply sepecified above, the maximum statutory pariod vet apply and vet argule state.**  **Proposed for reply sepecified above, the maximum statutory pariod vet argule and vet argule state.**  **Proposed for reply sepecified state.**  **Proposed for septime state.**  **Proposed for					
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2a)  This action is FINAL. 2b)⊠ This action is non-final.  3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4)  Claim(s)  1-9 and 18 is/are pending in the application.  4a)  Of the above claim(s)  is/are allowed.  6)  Claim(s)  1-9 and 18 is/are rejected.  7)  Claim(s)  is/are allowed.  6)  Claim(s)  1-9 and 18 is/are rejected.  7)  Claim(s)  is/are objected to.  8)  Claim(s)  are subject to restriction and/or election requirement.  Application Papers  9)  The specification is objected to by the Examiner.  10)  The drawing(s) filed on  is/are: a) accepted or b) objected to by the Examiner.  Application when you request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  11) The proposed drawing correction filed on  is: a) approved b) disapproved by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  12) The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. §§ 119 and 120  13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some c) None of:  1.  Certified copies of the priority documents have been received.  2.  Certified copies of the priority documents have been received in Application No.  3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  *See the attached detailed Office action for a list of the certified copies not received.  14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § \$120 and/or 121.  Attachment(s)  10  Notice of References Cited (PTO-892)    Notice of References Cited (PTO-892)    Notice of References Cited (PTO-892)    Notice of Tartisperson's Patent Drawing Review (PTO-948)	THE M - Exten after s - If the - If NO - Failur - Any re earne	MAILING DATE OF THIS COMMUNICATION. Issions of time may be available under the provisions of 37 CFR 1.13 SIX (6) MONTHS from the mailing date of this communication. period for reply specified above is less than thirty (30) days, a reply period for reply is specified above, the maximum statutory period ver to reply within the set or extended period for reply will, by statute eply received by the Office later than three months after the mailing	36(a). In no event, however, may a re within the statutory minimum of thirty will apply and will expire SIX (6) MONT cause the application to become ABA	ply be timely filed  (30) days will be considered timely.  THS from the mailing date of this communication.  ANDONED (35 U.S.C. § 133).	
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Art Unit: 2672

## **DETAILED ACTION**

- 1. This action is responsive to communications: application, filed on 07/08/1998; IDS paper #5, filed on 05/03/1999; Amendment A, filed on 09/19/2000; Amendment B, filed on 05/31/2001.
- 2. Claims 1-9 and 18 are pending in the case. Claims 1, 8 and 9 are independent claims. Claims 1, 8 and 9 have been amended. Claims 10-17 have been canceled. Claim 18 has been added.
- 3. The present title of the application is "Image Processing Apparatus Method and Recording Medium Therefor" (as originally filed).

## Continued Prosecution Application

4. The request filed on 07/20/2001 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/111,731 is acceptable and a CPA has been established. An action on the CPA follows.

# Claim Rejections - 35 USC 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 2672

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 3718 of this title before the invention thereof by the applicant for patent.

6. Claims 1-6, 8 and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Peercy et al., "Computer Graphics System for Rendering Images Using Full Spectral Illumination Data", class 345/426, 01/20/1998, filed on 05/25/1995.

As per independent claim 1, an image processing method for converting data dependent on a first illuminating light into data dependent on a second illuminating light, comprising the steps of: storing conversion data for plural illuminating lights . . . Peercy discloses in col. 7, lines 15-27; selecting two or more illuminating lights from said plural illuminating lights . . . ; Peercy discloses in col. 8, lines 49-58; generating data indicating the proportion of synthesis of conversion data of said selected plural illuminating lights . . . ; Peercy discloses in col. 7, lines 39-47; generating a conversion condition from the stored plural conversion data according to the data indicating the proportion of synthesis; Peercy discloses in col. 8, lines 55-67; and converting data dependent on first illuminating light into data dependent on said second illuminating light, based on said conversion data . . . Peercy discloses in col. 8, lines 57-67.

With respect to dependent claim 2, . . . plural illuminating lights are different in color rendering property. Peercy discloses in col. 7, lines 8-32.

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With respect to dependent claim 3, . . . data indicating the proportions of plural syntheses are stored in advance according to the kinds of illuminating light. Peercy discloses in col. 7, lines 15-16.

With respect to dependent claim 4, . . . the kind of said second illuminating light is designated by the user and said data indicating the proportion of synthesis are selected according to said designated kind of the second illuminating light. Peercy discloses in col. 8, lines 55-57.

With respect to dependent claim 5, . . . data indicating the proportion of synthesis are generated according to a manual instruction of the user. Peercy discloses in col. 8, lines 55-57.

With respect to dependent claim 6, . . . data indicating the proportion of synthesis are generated according to the output from a sensor for measuring the illuminating light. Peercy discloses in col. 6, lines 38-42.

With respect to dependent claim 7, . . . said conversion data are matrix data.

Peercy discloses in col. 8, lines 4-30.

As per independent claims 8 and 9 respectively, an image processing apparatus for converting data . . . and a computer readable recording medium storing a program . . ., they are rejected based upon similar rational as above independent claim 1, an image processing method for converting data . . .

With respect to dependent claim 18, "... converting step executes conversion according to color rendering properties of said second illuminating light and executes correction corresponding to color temperature ..."

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Peercy discloses in col. 10, lines 55-63.

## Response to Amendment

7. Applicant's arguments with respect to claims 1-9 and 18 have been considered but are most in view of the new ground(s) of rejection.

### Conclusion

8. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Hand-delivered responses should be brought to:

Sixth Floor Receptionist, Crystal Park II, 2121 Crystal Drive, Arlington, VA.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Motilewa Good-Johnson, whose telephone number is (703)-305-3939 and can normally be reached Mondays-Fridays from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Razavi, can be reached at (703)-305-4713.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703)-305-4700.

Motilewa Good-Johnson Patent Examiner Art Unit 2672

JEFFERY BRIER PRIMARY EXAMINER